

ORIGINAL

Abigail M. Diaz-Pedrosa (AD 0502)
KIRKLAND & ELLIS LLP
153 East 53rd Street
New York, NY 10022
Telephone: (212) 446-4800
Facsimile: (212) 446-4900

Jenny N. Lee (JL 7846)
KIRKLAND & ELLIS LLP
555 California Street, Ste. 2700
San Francisco, CA 94104
Telephone: (415) 439-1400
Facsimile: (415) 439-1500

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

jWIN Electronics Corp.,

Petitioner,

vs.

iCube Corporation, iCube America Corp.,
iCube America Corporation,

Respondents.

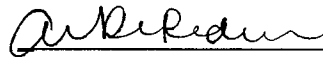
Case No. 07-CV-9459 AKH

**APPLICATION FOR
CERTIFICATE OF DEFAULT**

Pursuant to Federal Rule of Civil Procedure 55(a) and Civil Local Rule 55.1, petitioner jWIN Electronics Corp. ("jWIN") submits this Application for Certificate of Default as to Respondents iCube Corporation, iCube America Corp., and iCube America Corporation. This application is supported by the declaration of Perry Clark, attached hereto as Ex. A.

Dated: December 17, 2007

Respectfully submitted,



Abigail M. Diaz-Pedrosa
KIRKLAND & ELLIS LLP
153 East 53rd Street
New York, NY 10022
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Facsimile: (212) 446-4900

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San Francisco, CA 94104
Telephone: (415) 439-1400
Facsimile: (415) 439-1500

Attorneys for jWIN Electronics Corp.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
JWIN Electronics Corp,

Plaintiff,

on Civ. 9459 (AKH)

- against -

CLERK'S CERTIFICATE

iCube Corporation, et al.

Defendant.
-----X

I, J. MICHAEL MCMAHON, Clerk of the United States District Court for
the Southern District of New York, do hereby certify that this action commenced on 10/23/07
(date)
with the filing of a summons and complaint, a copy of the summons and complaint was served
on defendant by serving ^{Nicube America} Pan Kim, as (name) registered agent
(STATE SPECIFICALLY HOW SERVICE WAS MADE ON DEFENDANT), and proof of
such service thereof was filed on (date) 11/7/07

I further certify that the docket entries indicate that the defendant has not filed an
answer or otherwise moved with respect to the complaint herein. The default of the defendant is
hereby noted.

Dated: New York, New York

Dec 17, 2007

J. MICHAEL MCMAHON
Clerk of the Court

By: 

Deputy Clerk

Ex. A

Jenny N. Lee (JL 7846)
KIRKLAND & ELLIS LLP
555 California Street, Ste. 2700
San Francisco, CA 94104
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Facsimile: (415) 439-1500

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New York, NY 10022
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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

jWIN Electronics Corp.,)	
)	
)	
Petitioner,)	Case No. 07-CV-9459 AKH
)	
vs.)	
)	
iCube Corporation, iCube America Corp.,)	DECLARATION OF PERRY
iCube America Corporation,)	CLARK IN SUPPORT OF
)	APPLICATION FOR
)	CERTIFICATE OF DEFAULT
Respondents.)	
)	

I, Perry Clark, declare as follows:

1. I am counsel for jWIN Electronics Corp. in this matter and am an attorney at Kirkland & Ellis LLP.
2. iCube Corporation, iCube America Corp., and iCube America Corporation are not infants, in the military, or incompetent persons.
3. iCube Corporation, iCube America Corp., and iCube America Corporation have failed to defend this action. iCube Corporation, iCube America Corp., and iCube America

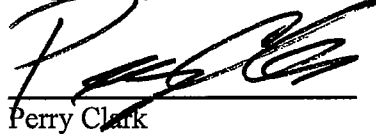
Corporation were served with the complaint in this action on October 31, 2007 and they have not responded.

4. jWin Electronics Corp.'s Petition to Compel Arbitration was properly served on October 31, 2007. *See* Ex. 1. Specifically, jWin Electronics Corp.'s Petition to Compel Arbitration was served on Pan Gun Kim, who is the Vice President of iCube Corporation and the registered Agent for Service of Process of iCube America Corp. and iCube America Corporation.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: December 11, 2007

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Perry Clark', is written over a horizontal line.

Perry Clark
KIRKLAND & ELLIS LLP
555 California Street, Ste. 2700
San Francisco, CA 94104
Telephone: (415) 439-1400
Facsimile: (415) 439-1500

Attorneys for jWIN Electronics Corp.

Ex. 1

Nov-01-2007 16:26

From-SERVING BY IRVING

212-349-0338

T-726 P.002/003 F-369

© 1988 JAMES BLUMBERG, INC.
PUBLISHER, NYC 10013B 151- Affidavit of Service of Summons or Subpoena: Personal or Alternative
Methods: Corp. or Ind.; Military Service, 10 pt. type, 1-95IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

COUNTY OF

JWIN ELECTRONICS CORPORATION,

Petitioner,

against

ICUBE CORPORATION, ET AL.,

Respondents.

Index No. 07CV9459 (AKH) (MHD)

AFFIDAVIT OF
SERVICE OF ~~SUMMONS~~
~~SUBPOENA~~

SEE ATTACHED RIDER

CALIFORNIA
STATE OF NEW YORK, COUNTY OF ORANGE

SS: The undersigned, being duly sworn, deposes and says: deponent is not a

party herein, is over 18 years of age and resides at IN THE STATE OF CALIFORNIA

That on 10/31/07

at 5:19P.M., at 6131 ORANGE THORPE AVE, #265, BUENA PARK, CA

deponent served the within ~~summons, subpoena~~ ICUBE AMERICA CORP.

defendant therein named,

SEE ATTACHED RIDER

BY SERVING PAN GUN KIM, REGISTERED AGENT

INDIVIDUAL

1. ☒

by delivering a true copy of each to said defendant personally; deponent knew the person so served to be the person described as said defendant therein.

CORPORATION

2. ☐

a corporation, by delivering thereat a true copy of each to personally, deponent knew said corporation so served to be the corporation described in said summons as said defendant and knew said individual to be thereof.

SUITABLE AGE PERSON

3. ☐

by delivering thereat a true copy of each to a person of suitable age and discretion. Said premises is defendant's—actual place of business—dwelling place—usual place of abode—within the state.

AFFIXING TO DOOR, ETC.

4. ☐

by affixing a true copy of each to the door of said premises, which is defendant's—actual place of business—dwelling place—usual place of abode—within the state. Deponent was unable, with due diligence to find defendant or a person of suitable age and discretion thereat, having called there

MAILING TO
RESIDENCE
USE WITH 3 OR 45A. ☐MAILING TO
BUSINESS
USE WITH 3 OR 45B. ☐DESCRIPTION
USE WITH
1, 2, OR 3☒

Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed to and deposited said envelope in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State.

Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a first class post paid envelope properly addressed to defendant at defendant's actual place of business, at in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State. The envelope bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned an action against the defendant.

<input checked="" type="checkbox"/> Male	<input type="checkbox"/> White Skin	<input type="checkbox"/> Black Hair	<input type="checkbox"/> White Hair	<input type="checkbox"/> 14-20 Yrs.	<input type="checkbox"/> Under 5'	<input type="checkbox"/> Under 100 Lbs.
<input type="checkbox"/> Female	<input type="checkbox"/> Black Skin	<input checked="" type="checkbox"/> Brown Hair	<input type="checkbox"/> Balding	<input type="checkbox"/> 21-35 Yrs.	<input type="checkbox"/> 5'0"-5'3"	<input type="checkbox"/> 100-130 Lbs.
	<input checked="" type="checkbox"/> Yellow Skin	<input type="checkbox"/> Blonde Hair	<input type="checkbox"/> Mustache	<input checked="" type="checkbox"/> 36-50 Yrs.	<input checked="" type="checkbox"/> 5'4"-5'8"	<input type="checkbox"/> 131-160 Lbs.
	<input type="checkbox"/> Brown Skin	<input type="checkbox"/> Gray Hair	<input type="checkbox"/> Beard	<input type="checkbox"/> 51-65 Yrs.	<input type="checkbox"/> 5'9"-6'0"	<input checked="" type="checkbox"/> 161-200 Lbs.
	<input type="checkbox"/> Red Skin	<input type="checkbox"/> Red Hair	<input type="checkbox"/> Glasses	<input type="checkbox"/> Over 65 Yrs.	<input type="checkbox"/> Over 6'	<input type="checkbox"/> Over 200 Lbs.

Other identifying features:

USE IN
NYC CIVIL CT.☐

The words "CONSUMER CREDIT TRANSACTION" were prominently displayed at the top of the summons(es) and the additional legend was printed in not less than 12 point bold upper case type on the summons(es) pursuant to 22 NYCRR §208.6(d) and (f).

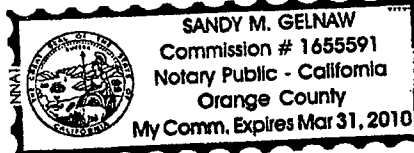
MILITARY
SERVICE☐

I asked the person spoken to whether recipient was in active military service of the United States or of the State of New York in any capacity whatever and received a negative reply. Recipient wore ordinary civilian clothes and no military uniform. The source of my information and the grounds of my belief are the conversations and observations above narrated. Upon information and belief I aver that the recipient is not in military service of New York State or of the United States as that term is defined in either the State or in the Federal statutes.

Sworn to before me on

2 Nov 07

Sandy M Gelhaw



FIRST NAME BENEATH SIGNATURE

WILLIAM H. GELNAW

License No. 482 Orange County

INSTRUCTIONS: Check appropriate boxes and fill in blanks. Delete inappropriate italicized language and military service allegation if not applicable.

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

-----X Case No. 07CV9459 (AKH) (MHD)

JWIN ELECTRONICS CORPORATION,

Petitioner,

vs.

Icube CORPORATION, ET AL.,

Respondents.

RIDER TO
AFFIDAVIT
OF SERVICE

-----X

LIST OF DOCUMENTS SERVED:

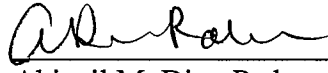
- Notice of Petition and Petition to Compel Arbitration;
- Petition to Compel Arbitration Pursuant to Parties' Agreement;
- Exhibits A to C;
- Procedures for Electronic Case Filing;
- Guidelines for Electronic Case Filing; and
- 3rd Amended Instructions for Filing an Electronic Case Filing.

CERTIFICATE OF SERVICE

I hereby certify that, on December 17, 2007, I served a copy of the **APPLICATION**
FOR CERTIFICATE OF DEFAULT filed by Petitioner jWIN Corporation in Case No. 07-
CV-9459 AKH by enclosing it in a Federal Express Envelope addressed to:

Pan Gun Kim
Vice President of iCube Corporation
Agent for Service of Process for iCube America Corporation and iCube America Corp.
6131 Orange Thorpe Ave., #265
Buena Park, CA 90620

Dated: December 17, 2007


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